IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.77581-M of 2006
Date of Decision:- 19.11.2007

Pawan Kumar ....Petitioner(s)

through
Mr.J.R.Singla, Advocate

vs.

State of Haryana & another ....Respondent(s)

through
Mr.R.D.Sharma, DAG, Haryana.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

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SURYA KANT, J. (ORAL)

This petition under Section 482 Cr.P.C. is directed against the order dated 25.11.2006 passed by the learned Sesssions Judge, Kurukshetra whereby on acceptance of a revision petition filed by the State of Haryana, he has set aside the order dated 14.9.2006 passed by the learned Special Environment Court, Kurukshetra.

Vide aforesaid order dated 14.9.2006, the Special Environment Court, Kurukshetra directed to release the tractor trolley to the petitioner on Superdari.

There is no dispute between learned counsel for the parties that the petitioner is facing trial before the learned Special Environment Court in a case under the Wild Life (Protection), Act 1972 and the said tractor trolley is a case property in the said case. It may also be mentioned here that while issuing notice of motion on 11.12.2006, operation of the impugned order

dated 25.11.2006 passed by the learned Sessions Judge was stayed by this Court.

Meanwhile, the trial proceedings are continuing and are now stated to be fixed for defence evidence.

In this view of the matter, when the trial proceedings are still pending adjudication, this petition is allowed to the extent that the order passed by the learned Sessions Judge is set aside with a liberty and clarification that the prosecuting Authorities shall be entitled to seek forfeiture of the case property i.e. the tractor trolley in accordance with law if the petitioner is found guilty of the alleged offence against him.

November 19, 2007 **(SURYA KANT)**
poonam **JUDGE**